

Appellants' Reply Brief
Application No. 09/762,779
Reply Brief Dated: January 16, 2006
In reply to the Examiner's Answer dated November 16, 2005
Attorney Docket No. 0702-010166

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Application No. : 09/762,779
Appellants : Johannes Gijsbertus Antonius Terlingen et al.
Filed : July 3, 2001
Title : DEVICE FOR INVESTIGATING CHEMICAL
INTERACTIONS AND PROCESS UTILIZING
SUCH DEVICE
Group Art Unit : 1641
Examiner : Gary W. Counts
Confirmation No. : 7918
Customer No. : 28289

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Sir:

This Reply Brief is submitted in reply to the Examiner's Answer dated November 16, 2005. This Reply Brief is timely filed on January 16, 2006. A Request for Oral Hearing is filed concurrently herewith.

A new issue is apparent from the Examiner's Answer as follows. Appellants believe that a fundamental confusion has occurred centering on the juxtaposition of the two words "plasma deposited" on page 12, line 10 of the Examiner's Answer. The Answer appears to treat "plasma deposited" as a verb or method step, but the juxtaposed words are not a verb or method in the claims. Instead, the applicable claim language "a plasma layer comprising sulfur plasma deposited directly on said gold film" means that the plasma is a sulfur plasma layer that has been deposited directly onto the gold film. Appellants never intended to use "plasma deposited" as a discrete two-word phrase. This confusion tends to obscure the invention, which is nonetheless the presence of a sulfur plasma layer directly on

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the gold film, even though the prior art does not suggest the combination of sulfur plasma and gold film as claimed. The question of how the sulfur plasma achieves its position directly on the gold film (i.e., "deposited") is relatively unimportant to the invention; it is the adjacent combination of the sulfur plasma and gold film that, in context, is novel and inventive. The new and unexpected results attributable to the specific, unique combination of sulfur plasma on the gold film is evidenced, for example, in the Comparative test data shown in Table 1, page 7 and Table 4, page 11 of the present specification.

Appellants believe that upon resolution of this confusion, the allowability of the claims will be apparent to the Board or, in the interim, to the Examiner.

Any questions or comments regarding this Reply Brief should be directed to the Appellants' undersigned representative.

Respectfully submitted,

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